

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CORE SWX, LLC,

For Online Publication Only

Plaintiff,

ORDER
21-CV-1697 (JMA)(JMW)

-against-

VITEC GROUP US HOLDINGS, INC and
VITEC PRODUCTION SOLUTIONS, INC.,

Defendants.

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VITEC GROUP US HOLDINGS, INC and
VITEC PRODUCTION SOLUTIONS, INC.,

Counterclaim Plaintiffs,

CORE SWX, LLC,

Counterclaim Defendants.

-against-

ROSS KANAREK, and RANDOLPH TODD,

Additional Counterclaim
Defendants.

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AZRACK, United States District Judge:

Before the Court are objections submitted by Defendants/Counterclaim Plaintiffs Vitec Group, PLC (“Vitec”), Vitec Group US Holdings, Inc. (“VGUSH”), and Vitec Production Solutions, Inc. (“VPS”) (together, “Defendants” or “Counterclaim Plaintiffs”) to Magistrate Judge James M. Wicks’ Report and Recommendation (hereafter “R&R”) recommending that (1) Plaintiff/Counterclaim Defendant Core SWX LLC’s (“Core” or “Plaintiff” or “Counterclaim Defendant”) motion to dismiss Defendants’ federal and state law claims for misappropriation of trade secrets be granted on the grounds that Defendants failed to plead the existence of a trade

secret; (2) Core's motion to dismiss Defendants' federal and state law claims for misappropriation of trade secrets be granted on the grounds that Defendants failed to plead misappropriation; (3) Counterclaim Defendants Ross Kanarek and Randolph Todd's motion to dismiss Defendants' breach of contract claim be denied; and, (4) Core's motion to dismiss Defendants' unjust enrichment claim be granted. (ECF No. 56.) The R&R further recommends that such dismissal be without prejudice, and that Defendants be granted leave to amend their counterclaims. (Id.)

Defendants filed timely objections to the R&R, (ECF No. 57), and Core, Kanarek, and Todd timely responded to Defendants' objections. (ECF No. 60.) After conducting a review of the full record (including the motion papers, R&R, and objections), and applicable law, the Court adopts Magistrate Judge Wicks' R&R in its entirety as the opinion of the Court.

In reviewing a magistrate judge's report and recommendation on a dispositive motion, a court must "make a de novo determination of those portions of the report or . . . recommendations to which objection[s] [are] made." 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 5-CV-5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). Even for dispositive motions, the portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

The Court finds no clear error in the portions of Magistrate Judge Wicks' R&R to which there are no objections. Next, the Court turns to the portions of the R&R to which Defendants have objected. Defendants insist that, inter alia, their counterclaim sufficiently states federal and state law claims for misappropriation of trade secrets. Regarding Defendants' objections to those portions of the R&R, the Court has undertaken a de novo review of the full record and the applicable law, and the Court agrees with Magistrate Judge Wicks' R&R.

For the foregoing reasons, the Court affirms and adopts the well-reasoned R&R in its entirety as the opinion of the Court. Core's motion to dismiss is GRANTED; Counterclaim Defendants Ross Kanarek and Randolph Todd's motion to dismiss is DENIED.

SO ORDERED.

Dated: August 15, 2022
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE